

REMARKS

The Paragraph beginning on line 3 of page 14 of the instant Specification is amended herein. Claims x and y are amended herein. Claims 1-19 remain pending in the Application. No new matter has been added as a result of the Amendments herein.

The Examiner has indicated that Claims 5, 7, 11, 14 and 18-19 are allowable. Applicants wish to thank the Examiner for indicating that Claims 5, 7, 11, 14 and 18-19 are allowable.

Applicant has amended the clerical discrepancies herein and provided a terminal disclaimer herewith. As such, Applicants respectfully submit that there are no further outstanding rejections of the present Claims 1-19. As such, Applicants respectfully submit that the present Claims 1-19 are in condition for allowance and are ready for issuance.

Drawings

Fig. 5

In the Office Action, the Examiner objected to Figure 5 due to the clerical error of missing reference numerals when compared with the instant Specification. Applicant has amended the description of Figure 5 herein to overcome the clerical inconsistencies.

As such, Applicants respectfully submit that the objection with respect to Figure 5 is moot.

Specification

Paragraph on page 14 beginning at line 3

In the Office Action, the description of Figure 5 on page 14 beginning at line 3 is objected to due to a clerical error. Applicant has amended the Paragraph on page 14 beginning at line 3.

As such, the objection with respect to Paragraph on page 14 beginning at line 3 is moot.

Claim Rejections - 35 U.S.C. §112

The present office action states that Claims 6 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 6 and 13, the present office action states the term “substantially different power characteristics” is a relative term which renders the claim indefinite.

Applicants have amended Claims 6 and 13 herein. Therefore, Applicants respectfully submit that the rejection of Claims 6 and 13 under 35 U.S.C. § 112, second paragraph, is moot.

Double Patenting

The present office action states that Claims 1-4, 6, 8-11, 13 and 15-17 of the instant application (10/699,430) are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over some Claims of US Patent No. 6,956,344.

A terminal disclaimer in compliance with 37 CFR § 1.321(c) is being submitted concurrent with the instant response, thereby obviating the double patenting rejection of Claims 1-4, 6, 8-11, 13 and 15-17.

Response to Arguments

Item 13

On page 8 of the Present Office Action, in the response to Arguments section, Item 13 states that the argument with respect to the objection to the Specification was not persuasive.

Applicants have amended the Specification herein. Thus, Item 13 is moot; and that the present Claims 1-19 are allowable.

Item 14

On page 9 of the Present Office Action, in the response to Arguments section, Item 14 states that the argument with respect to the rejection(s) of Claim(s) 1-19 under 102(a) have been fully considered and are persuasive. Therefore, the rejection of claim(s) 1-19 under 102(a) has been withdrawn.

As such, Applicants respectfully submit that the present Claims 1-19 are allowable.

Item 15

On page 10 of the Present Office Action, in the response to Arguments section, Item 15 states that the argument with respect to the rejection(s) of Claim(s) 1-19 under 35 U.S.C. §101 as claiming the same invention have been fully considered and are persuasive. Therefore, the rejection of claim(s) 1-19 under 35 U.S.C. §101 has been withdrawn.

However, Item 15 further states that, upon further consideration, a new ground(s) of rejection is made in view of US patent No. 6,956,344, on the grounds of nonstatutory obviousness-type double patenting.

Applicants have provided a terminal disclaimer herewith. As such, Applicants respectfully submit that Item 15 is moot and that the present Claims 1-19 are allowable.

Allowable Subject Matter

Claims 5, 7, 11, 14 and 18-19

On page 8 of the Present Office Action, the Examiner has stated that Claims 5, 7, 11, 14 and 18-19 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening Claims.

Applicants wish to thank the Examiner for the Allowable Matter.

Furthermore, Applicants respectfully point out that none of the Claims 1-19 have any further objections or rejections and, as such, each of Claims 1-19 are presently allowable and in condition for issuance.


CONCLUSION

In light of the above listed amendments and remarks, and based on the present allowability of Claims 1-19, Applicant respectfully requests issuance of the allowable Claims 1-19.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
Wagner Blecher LLP

Dated: 08/10/2007


Joel D. Youngs
Registration No. 52,389

Westridge Business Park
123 Westridge Drive
Watsonville, California 95076 USA

(408) 377-0500 Voice
(408) 763-2895 Facsimile